

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11238 of 2022

Arising Out of PS. Case No.-664 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Anand Kumar S/o Ajay Kumar Prasad R/o village- Arya Samaj Uttar Tola,
Mahal Chak More, P.S. and Distt.- Jahanabad, Present residing at Kandui,
P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Sheikhpura P.S. Case No. 664 of 2021 registered for the offence
under Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.01.2022.

The allegation against the petitioner is to to commit
theft of Hywa Truck bearing Registration no. BR 53 G 9161 of
the informant.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced merely on the basis, as he forwarded the photograph of the alleged vehicle, claimed to be stolen, to the informant, as petitioner deal in the sale and purchase of old vehicles. It is further submitted that vehicle has not been recovered from the conscious possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the recovery is not from the conscious possession of the petitioner and allegation is limited only to send the photograph of the alleged vehicle coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sheikhpura P.S. Case No. 664 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Sheikhpura, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Manita Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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